

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Master in Equity for York County

Appellate Case No. 2016-000451

80347

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JUL 22 2016

SC Court of Appeals

William G. Tucker,

Respondent,

v.

Connie Lynn Batey,

Appellant.

MOTION FOR EXTENSION OF TIME
OR TO FILE OUTSIDE TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by her counsel herein, moves this Court for an order granting her an extension of time, or the right to file outside time, as to her Initial Briefa and Designation of Matter to be included in the Record on Appeal, on the grounds stated below:

1. The Transcript of Record was requested contemporaneously with the Notice of Appeal filed herein, and was dated March 3rd, 2016.
2. The Hearing requested was recorded by equipment maintained by the Master in Equity for York County. The letter requesting the Transcript was sent to Ms. Shirley Dallas, the Court Reporter usually contacted to transcribe such a recording.
3. After the letter was sent, Ms. Dallas informed counsel for the Appellant she was unable to retrieve the record by reason of technical difficulties.
4. After receipt of the Clerk's letter dated June 29th, 2016, counsel again contacted Ms. Dallas to learn if any alternative method existed to recover the Transcript. He was informed that the technical difficulties were such as to render the record unrecoverable, and that this condition had effected his hearing and one other before the Master in Equity.

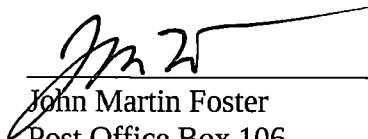
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5. On review of the records in this matter, counsel for Appellant is of the opinion that this appeal may be adequately presented without a transcript, To that end, he is prepared to submit Appellant's Initial Brief and Designation of Matter if a brief initial period of preparation can be granted.
6. To this end, counsel for Appellant requests an extension of time, or a grant to file outside time, for a period of thirty (30) days.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court to be allowed for an extension of time, or to file her Initial Brief and Designation of Matter to be included in the Record on Appeal outside of time, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

July 20, 2016



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
803 324-8100
Attorney for Appellant

Other Counsel of Record:

cc: Brian S. McCoy
McCoy Law Firm, LLC
378 East Main Street
Rock Hill, S.C. 29730
Attorney for Respondent
(803) 366-2280

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, S.C. 29201

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PROOF OF SERVICE

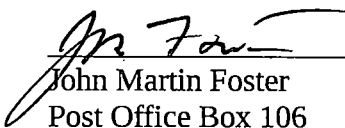
I certify that I have served the Motion for Extension or to File Outside Time dated July 20, 2016, on the following counsel or persons of record:

Brian S. McCoy
McCoy Law Firm, LLC
378 East Main Street
Rock Hill, S.C. 29730
Attorney for Respondent

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, S.C. 29201

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262, S.C.A.C.R.

July 20, 2016



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellant

JOHN MARTIN FOSTER

Attorney at law

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Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

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SC Court of Appeals

July 20, 2016

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: William G. Tucker, Respondent,
v. Connie Lynn Batey, Appellant.

Appellate Case No. 2016-000451

Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellant's Motion for Extension or to File Outside Time, together with the Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$25.00.

By copy of this letter, I am serving the attorney for the Respondents with copies of the said Motion, as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,

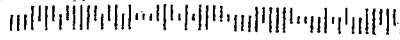


John Martin Foster

jmf/
enclosures

cc: Client File
Brian S. McCoy
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TO:

The Honorable Jenny Abbott Kitchings
Clerk of the Court of Appeals
Post Office Box 11629
Columbia, S.C. 29211

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